

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 15 2003

OFFICE OF
MANAGING DIRECTOR

James A. Stenger, Esq.
1730 Rhode Island Ave., N.W.
Suite 200
Washington, D.C. 20036-3101

Re: United States Wireless Systems, Inc.
FY 2002 Regulatory Fees
Fee Control No. 00000RROG-03-073

Dear Mr. Stenger:

This letter responds to your request dated September 25, 2002 for deferment of the fiscal year (FY) 2002 regulatory fees for Multipoint Distribution Service (MDS) stations submitted on behalf of Ben B. Floyd (Floyd), the Chapter 11 trustee of the bankruptcy estate of United States Wireless Systems, Inc. (US Wireless). Our records reflect that the regulatory fees at issue here have not been paid.

On December 28, 2001, the Office of the Managing Director (OMD) granted your request for a waiver of the FY 2001 regulatory fees with respect to the MDS stations licensed to US Wireless.¹ OMD granted your request based upon the information you submitted showing that US Wireless was the subject of Chapter 11 proceedings in the United States Bankruptcy Court, Southern District of Texas. In granting the waiver, OMD noted that the Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship and that evidence of bankruptcy or receivership is sufficient to establish financial hardship.²

¹ See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC to James A. Stenger, Esq. (dated Dec. 28, 2001) (also denying a deferment of FY 2001 regulatory fees with respect to the MDS stations leased to US Wireless from third party owners pursuant to agreements whereby US Wireless operates the stations and pays the regulatory fees) (*Dec. 28 Letter*).

² See *Dec. 28 Letter* (citing *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership)).

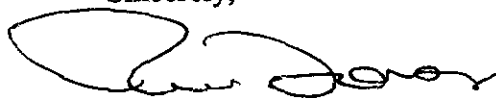
Mr. James A. Stenger

2.

In your instant request for a deferment of the FY 2002 regulatory fees, you state that US Wireless remains in Chapter 11 bankruptcy proceedings. We find that your statement that US Wireless remains in Chapter 11 bankruptcy provides good cause for waiver of the FY 2002 regulatory fees for the MDS stations licensed to US Wireless. We therefore grant your request for relief with respect to the MDS stations licensed to US Wireless.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a large, stylized initial "M" and "R".

Mark A. Reger
Chief Financial Officer

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

401 9TH STREET, N.W. - SUITE 1000
WASHINGTON, D.C. 20004-2134
www.troutmansanders.com
TELEPHONE 202-274-2950

James A. Stenger
james.stenger@troutmansanders.com

Direct Dial. 202-274-2801
Fax: 202-654-5652

September 25, 2002

Mr. Mark A. Reger
Chief Financial Officer
Federal Communications Commission
445 12th Street, S.W., Room 1-A623
Washington, D.C. 20554

Attention by hand delivery:
Ms. Claudette E. Pride, OMD
Stephen Svab, Esq., MDS Section

(1) 2d letter
Just thinking thru
for this letter--
(2) ~~Memo~~ Regina
(3) ask her to see
me.

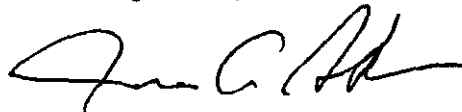
Re: United States Wireless Systems, Inc.
FY 2002 Regulatory Fees

Dear Mr. Reger:

With reference to your attached letter dated December 28, 2001, please be advised that United States Wireless Systems, Inc. remains in Chapter 11. Accordingly, the Trustee, through undersigned counsel, respectfully requests that the deferment of annual regulatory fees be extended to include fiscal year 2002.

Should additional information be necessary in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,



James A. Stenger

JAS/mec
Enclosure

cc: Ben Floyd, Esq., Trustee

968598v1

RECEIVED MAR 07 2003

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 28 2001

OFFICE OF
MANAGING DIRECTOR

Mr. James A. Stenger
Troutman Sanders LLP
401 9th Street, N.W. – Suite 1000
Washington, D.C. 20004-2134

Re: Request for Deferment of FY 2001
Regulatory Fees
Fee Control No. 00000RROG-01-033

Dear Mr. Stenger:

This responds to your request for deferment of the Fiscal Year (FY) 2001 regulatory fees for MDS stations in Brownsville, McAllen, and Victoria, Texas submitted on behalf of Ben B. Floyd, Chapter 11 Trustee of the bankruptcy estate of United States Wireless Systems, Inc. (US Wireless).

You recite that US Wireless owns certain of the referenced MDS stations whereas others are leased to US Wireless by third party owners pursuant to agreements whereby US Wireless operates the stations and pays the regulatory fees. You state that US Wireless filed for Chapter 11 protection on October 27, 2000, Floyd was appointed Trustee on March 12, 2001, and US Wireless filed an application for involuntary transfer of control of its licensed stations to Floyd on July 25, 2001. You further state that the Trustee intends temporarily to take the stations off the air while he seeks to sell the assets to a new owner. In these circumstances, you request deferment of the fees.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that US Wireless is the subject of Chapter 11 proceedings in the United States Bankruptcy Court, Southern District of Texas. Accordingly, payment of the FY 2001 regulatory fees for the MDS stations licensed to US Wireless is hereby waived. The Chapter 11 status of US Wireless, however, does not impact on the ability of the licensees of the leased MDS stations to pay their respective fees. Nor do the private lease agreements these licensees have with US Wireless establish good cause for waiver or deferment. Hence, your request for deferment of the fees with respect to these stations is denied.

Mr. James A. Stenger

2.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large loop at the beginning and a trailing flourish.

for Mark A. Reger
Chief Financial Officer

Copy to: Rhonda L. Neil

Tom Putnam

From: Joanne Wall
Sent: Monday, April 28, 2003 10:24 AM
To: Elizabeth Miller
Cc: Judy Kassakatis; Tom Putnam; Allan Sacks
Subject: Re: Fwd: MDS Licenses for US Wireless

Fabulous. I was just about to give up as I had just received an e-mail from the licensee's attorney advising me that he did not have any idea how many licenses were held on 10/1/2001. You made my day - thanks!

Joanne F. Wall

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>>> Elizabeth Miller 04/28/03 10:21AM >>>
Joanne,
US Wireless held 10 MDS licenses on 10/1/2001:

KNSC879-license expires 3/28/2006.
KNSC881-license expires 3/28/2006
KNSC882-license expires 3/28/2006
KNSC883-license expires 3/28/2006
KNSC884-license expires 3/28/2006.
KNSC887-The permit for this station was cancelled on 12/1/2001. WLK284-license expires 5/1/2011. WNTJ388-license expires 5/1/2011. WNTJ481-license expires 5/1/2011. WNTJ758-license expires 5/1/2011.

Although on 10/1/2001, United States Wireless Systems, Inc. held an active permit in BTA-456, that permit was cancelled on 12/1/2001 (see KNSC887 above).

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>>> Joanne Wall 04/15/03 02:03PM >>>
Judy,

The information you provided appears to reflect current licensing, which is not precisely my question. Are you able to advise me as to how many MDS licenses were licensed to U.S. Wireless Systems, Inc. as of October 1, 2001? The October 1, 2001 date is the key aspect of my question. Thanks,

Joanne

Joanne F. Wall

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Privileged

Tom Putnam

From: Elizabeth Miller
Sent: Monday, April 28, 2003 10:21 AM
To: Judy Kassakatis; Joanne Wall
Cc: Tom Putnam
Subject: Re: Fwd: MDS Licenses for US Wireless

Joanne,
US Wireless held 10 MDS licenses on 10/1/2001:

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Joanne

Joanne F. Wall

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Privileged

n Putnam

n: Joanne Wall
t: Wednesday, April 23, 2003 12:23 PM
james.stenger@starpower.net
Tom Putnam
bject: U.S. Wireless Systems

. Stenger,

I am the attorney reviewing your request dated September 25, 2002 for deferment of the fiscal year 2002 regulatory fees for Multipoint Distribution Service stations on behalf of Jim Stenger, the Chapter 11 trustee of the bankruptcy estate of United States Wireless Systems, Inc.

Thank you very much for the information that you provided Tom Putnam. The information you provided Tom appears to reflect the current licenses, whereas I'm specifically interested in knowing how many MDS licenses were licensed to US Wireless Systems, Inc. as of October 1, 2001. Would you please provide me with that information? Thank you very much.

Joanne F. Wall

-----Original Message-----

From: James Stenger [mailto:james.stenger@starpower.net]
Sent: Wednesday, April 16, 2003 3:36 PM
To: Tom Putnam
Subject: Re: jim stenger contact info

Tom - I never received your fax. However, I believe that USWS holds the following licenses:

WLK284, Brownsville, TX (E Group)

KNSC881, McAllen, TX (H1)

KNSC882, McAllen, TX (H2)

KNSC883, McAllen, TX (H3)

KNSC879, McAllen, TX (MDS1)

KNSC884, McAllen, TX (MDS2A)

WNTH481, Victoria, TX (H1)

WNTJ758, Victoria, TX (H2)

WNTH388, Victoria, TX (H3)

USWS also was the licensee of the following stations but the Commission takes the position that these licenses were canceled due to non-payment or delayed BTA payment and denial of deferment request. In saying this, I do not waive any claim of USWS (or US Wireless Cable) to these licenses:

**FEDERAL
COMMUNICATIONS
COMMISSION**

**REVENUE &
RECEIVABLES
OPERATIONS GROUP**

Fax Cover

To: Jim Stenger From: TOM PUTNAM
Fax: 202 777 0354 Pages: 4
Phone: _____ Date: 4-11-03
Re: U.S. Wireless Fee Waiver
Comments: _____

F.Y.I.

Call if there are any questions or all pages not received

Tom Putnam
Accountant
Revenue & Receivables Operations Group
Phone 202-418-2992
Fax 202-418-2843
E-mail = Tputnam@FCC.GOV

Tom Putnam

From: Joanne Wall
Sent: Friday, April 11, 2003 3:07 PM
To: Tom Putnam
Cc: Allan Sacks
Subject: United States Wireless Systems, inc.

Tom,

I'm still awaiting Judy Kassakatis' and Dee Purnell's responses to my question about the dollar amount at issue. If their responses don't conflict with your statement that the fee amount at issue is less than \$500,000, that will be the end of the matter. In other words, let's not continue trying to track down the exact amount at issue, given the hurdles involved. Allan is ok with this. Thanks for your help with this!

Joanne p.s. and i'll let you know waht Judy and Dee have to say.

Joanne F. Wall

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Privileged

Tom Putnam

From: Joanne Wall
Sent: Friday, April 11, 2003 2:39 PM
To: Tom Putnam
Subject: RE: United States Wireless Systems, inc.

and, so, what did he say?

>>> Tom Putnam 04/11/03 02:39PM >>>
Joanne,

I have already spoken to Mr. Stanger

Tom Putnam
418-2992
*** Non-Public: For Internal Use Only ***

-----Original Message-----

From: Joanne Wall
Sent: Friday, April 11, 2003 2:16 PM
To: Tom Putnam
Subject: RE: United States Wireless Systems, inc.

Tom,

This is ridiculous. I may have to contact Stenger.

Joanne F. Wall

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Privileged

>>> Katherine Sibert 04/11/03 12:14PM >>>
Tom, I have no information regarding 2002 reg fees. Inquiries about 2002 FY wireless fees should be directed to Dee Purnell. Thank you.

-----Original Message-----

From: Tom Putnam
Sent: Friday, April 11, 2003 10:46 AM
To: Katherine Sibert
Cc: Claudette Pride; Joanne Wall
Subject: United States Wireless Systems, inc.

Katherine,

Have letters regarding FY 2002 Regulatory Fees been sent out?

Do you have any bills outstanding for United States Wireless Systems, Inc. for 2002 regulatory fees

They filed for Chapter 11 bankruptcy on Oct 27, 2000.

Thanks

Tom Putnam
Accountant
Revenue & Receivables Operations Group
Phone 202-418-2992
Fax 202-418-2843
*** Non-Public: For Internal Use Only ***

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Tom Putnam
Accountant
Revenue & Receivables Operations Group
Phone 202-418-2992
Fax 202-418-2843
*** Non-Public: For Internal Use Only ***

Tom Putnam

From: Joanne Wall
Sent: Friday, April 11, 2003 1:33 PM
To: Octavia Purnell
Cc: Claudette Pride; Katherine Sibert; Tom Putnam
Subject: RE: United States Wireless Systems, inc.

Dee (and I hope that I've contacted the correct person),

Would you please tell me whether there are any outstanding bills for United States Wireless Systems, Inc. for 2002 regulatory fees. If so, would you please tell me the amount and for what services they are outstanding. I am particularly interested in FY 2002 bills for the company's licensed MDS services, as in the MDS services that the company OWNS, as opposed to those leased to US Wireless by third party owners. If you have any questions about my question, please let me know. Thanks,

Joanne

Joanne F. Wall

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>>> Katherine Sibert 04/11/03 12:14PM >>>

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Revenue & Receivables Operations Group
Phone 202-418-2992
Fax 202-418-2843
*** Non-Public: For Internal Use Only ***

FY '02 P.N.

8-7-02

from the members of the community served for support. Finally, licensees of Low Power Television, TV translator or TV booster, or FM translator or FM booster stations whose licenses were issued on or before October 1, 2001, and which have obtained a fee refund because of an NTIA facilities grant for their station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of § 73.621 of the Commission's Rules, are similarly exempt from payment of this regulatory fee. Licensees claiming an exemption based on one of these latter criteria should not submit payment.

FEE REQUIREMENT: Fees are assessed on a per license basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Low Power Television Station, TV Translator/TV Booster	\$320	0267
FM Translator/FM Booster	\$320	0268

**FEE PAYMENT PROCEDURES FOR MULTIPOINT AND MULTICHANNEL
MULTIPOINT DISTRIBUTION SERVICES**

WHO MUST PAY: Holders of multipoint distribution service licenses (including multichannel multipoint distribution service) whose licenses were granted on or before October 1, 2001. Government entities are not required to pay regulatory fees and should not submit payment. Non-profit entities may also be exempt. *The Commission requires that each exempt entity submit, or have on file with the Commission, a valid IRS Determination Letter documenting its nonprofit status or certification from a governmental authority attesting to its exempt status.*

FEE REQUIREMENT: Fees are assessed on a per call sign basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Multipoint Distribution Service (including Multichannel and Local Multipoint Distribution Service)	\$430	0214

PAYMENT DUE DATES

FEE PAYMENTS MAY BE SUBMITTED PRIOR TO SEPTEMBER 10, 2001 ²⁰⁰²

Regulatory fee payments may be made to Mellon Bank at any time through September 25, 2002. Payments received after 11:59 PM on September 25, 2002 will be assessed a 25% late payment fee. As in previous years, there will be a formal window for the acceptance of regulatory fees between September 10, 2002 and September 25, 2002. However, unlike in prior years, the Commission will, for the convenience of payers, accept fee payments made in advance of that window.